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EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/998,095	PRESLEY, DARRYL LEE	
	Examiner	Art Unit	
	Thong H. Vu	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11,14-37 and 39-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11,14-37,39-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 1-5,7-11,14-37, and 39-49 are pending.

Response to Arguments

2. Applicant's arguments filed 4/26/07 have been fully considered but they are not persuasive overcome the prior art

A. Claim 1:

Applicant argues the prior art does not teach or suggest " a server configured to register each of the plurality of components"

Examiner points out the prior art taught "the master server (or host) configured to stored a list of slave servers (or clients) and the communication between master server and slave servers may be authenticated or register using certificates and end-to-end (one to one or each of slave servers) encryption using SSL [Pawar, 0017]. It's clearly that the authenticate or register which means a formal or official recording of items, names, or actions (Webster's dictionary, register) of the client or component information.

Applicant argues "the communications that are authenticated are not communication between two intelligent agents at all".

Examiner points out the prior art taught "Intelligent agents continuously run on every host in network" [Pawar, 0007], and the communication between master server and slave servers may be authenticated or register using certificates and end-to-end (one to one or each of slave servers) encryption using SSL [Pawar, 0017]. It's clearly that the communications that are authenticated between two intelligent agents.

Applicant argues neither Pawar's master CG nor Pawar's intelligent agents can qualify as the server of claim 1.

Examiner points out the prior art taught "the master server CG" and "slaves (servers) SL" [Pawar, 0017].

B. Claim 14:

Applicant argues the prior art does not teach or suggest "management console must comprise the validator or validating"

Examiner points out the prior art taught "database management systems" as "management console" [Pawar, 0023] and validator or Rule-evaluator component [Pawar, 0019]

C. Claim 26:

Applicant argues the prior art does not teach or suggest "retrieving the configuration of each of a plurality of components by communicating with a client module residing at each component of the plurality of components"

Examiner points out the prior art taught the master server CG (as host) communicates to the plurality of slave servers (as clients) [Pawar, 0017] and utilize component LOG to log information into an administrator configurable location then download the scheduling information from slave SL [Pawar, 0020].

Claim Rejections - 35 USC § 102

Claims 1-5,7-11,14-37,39-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Pawar et al [Pawar, 2003/0033400 A1].

3. As per claim 1, Pawar discloses A system for actively managing configurable components, comprising:

a plurality of components, each component storing a configuration comprising a set of configuration parameters [Pawar, network configuration, 0008];

a repository that stores information about a configuration policy [Pawar, a set of rules or policies, 0035];

a server configured to register each of the plurality of components [Pawar, server authenticated, 0017],

perform dynamic probing operations to identify configuration changes made to the configuration of each of the plurality of components and validate identified configuration change against the configuration policy to determine whether the configuration changes conform to the configuration policy [Pawar, intelligent agents runs on every host in a network and configured to evaluate rules and based on evaluation or validation, 0007. It's clearly that the intelligent agents have performed the evaluation or dynamic probing operation to identify configuration change to executes modules only on hosts for which such modules are appropriate].

4. As per claim 2, PAWAR discloses the configuration policy defines for each confirmation parameter of the configuration of each of the plurality of components a value range for which the configuration parameter will be successfully validated by the server [Pawar, intelligent agents runs on every host in a network and configured to evaluate rules and based on evaluation or validation, 0007].

5. As per claim 3, Pawar discloses responding to an identified confirmation change by performing at least one of:

changing a value of at least one configuration parameter to a default or previously validated value [Pawar, keep track of changes, 0074];

auditing configuration parameters of the confirmation of at least one of the plurality of components [Pawar, evaluation, 0007];

generating an alert regarding the confirmation parameters of the confirmation of at least one of the plurality of components [Pawar, alert, 0077];

acquiescing to the identified configuration change [Pawar, modified data, 0075].

6. As per claim 4, Pawar discloses logging data that identifies an identified configuration change made to the configuration of the particular component to a log file [Pawar, log files, 0079].

7. As per claim 5, Pawar discloses performing an impact analysis on the identified configuration changes against the plurality of components [Pawar, intelligent agents runs on every host in a network and configured to evaluate rules and based on evaluation or validation, 0007].

8. As per claim 39, Pawar discloses the information indicates a relationship dependency between a first configuration parameter in the configuration of a first

component and a second configuration parameter in the configuration of a different component [Pawar, host parameters, 0057-0069].

9. As per claim 40, Pawar discloses the server validates the configuration, for the first component based upon the relationship dependency between the first configuration parameter and the second configuration parameter [Pawar, host parameters, 0057-0069].

10. As per claim 41, Pawar discloses the information includes at least one document type definition defining a mapping between the configuration of at least two of the plurality of individual components [Pawar, compares, 0020].

11. As per claim 47, Pawar discloses the relationship dependency comprises one of one-way, two-way, cyclic, one-to-many, many-to-one, and many-to-many as a design choice.

12. Claims 7-11,42-46 and 48 contain the identical limitations set forth in claims 1-5,39-41 and 47. Thus, claims 7-11,42-46 and 48 are rejected for the same rationale set forth in claims 1-5,39-41 and 47.

13. As per claim 14, Pawar discloses A system, comprising:

a plurality of components wherein each component of the plurality of components comprises a client module for accessing configuration parameters of a configuration of the component [Pawar, network configuration, 0008];

a management server which maintains a repository for storing information about a configuration policy [Pawar, server authenticated, 0017; a set of rules or policies, 0035];

a management console capable of accessing the repository [Pawar, database management systems, 0023] wherein the management console comprises:

at least one service interface for retrieving the configuration of a particular component of the plurality of components by communicating with the client module associated with the particular component [Pawar, retrieving or downloading the newly required modules or particular component, 0019];

a parser for extracting configuration parameters from each [Pawar, compares and downloads, 0020];

a validator for validating each extracted configuration parameter against the configuration policy [Pawar, evaluator, 0019; authenticate, 0020]

14. As per claim 15 Pawar discloses at least one adapter for accessing component-specific configuration parameters of the configuration of at least one of the plurality of components [Pawar, storing instructions adapted to be executed by the processor, claim 18].

15. As per claim 16, Pawar discloses at least one component-specific adapter for dynamically probing the plurality of components [Pawar, adjust rules, 0036].

16. As per claim 17, Pawar discloses a component parameter relationship dependency tree formed from the extracted configuration parameters [Pawar, host parameters, 0057-0069]; and an impact analyzer for analyzing the effect of making a configuration change to the configuration of a particular component of the plurality of components by traversing the component parameter relationship dependency tree [Pawar, active directory, 0039].

17. As per claim 18, Pawar discloses a change manager for effecting a change to a configuration parameter [Pawar, updating configuration files, col 2 lines 35-45].

18. As per claim 19, Pawar discloses a set of one or more XML documents comprising the extracted configuration parameters as inherent feature of programming language such as Java [Pawar, 0014].

19. As per claim 20, Pawar discloses the configuration policy is expressed in a set of global parameter definitions and document type definitions [Pawar, centrally configured, 0007].

20. As per claim 21 Pawar discloses validation services, wherein the validation services perform at least one of:

managing the configuration parameters of the configuration of the plurality of components [Pawar, host parameters, 0057-0069];

advising an administrator about the configuration parameters of the confirmation of the plurality of components [Pawar, adjust rules to define target, 0036];

alerting an administrator about the configuration parameters of the confirmation of the plurality of components [Pawar, alert, 0077]; and

acquiescing to the modification of the configuration parameters of the confirmation of the plurality of components [Pawar, modified data, 0075].

21. As per claim 22, Pawar discloses a browsing service providing a user interface management console [Pawar, GUI, 0056].

22. As per claim 23, Pawar discloses a management configuration module for registering new components [Pawar, authenticated, 0020].

23. As per claim 24 Pawar discloses a management configuration module capable of receiving XML documents which describe the configuration parameters of the configuration of a particular component, when the configuration of the particular component is changed as a design choice of programming language such as Java [Pawar, Java, 0014].

24. As per claim 25, Pawar discloses at least one of the plurality of components corresponds to at least one of a Web server, an Internet application server and a database server [Pawar, database management systems, 0023].

25. Claims 26-37 contain the identical limitations set forth in claims 14-25. Thus, claims 26-37 are rejected for the same rationale set forth in claims 14-25.

26. As per claim 49, Pawar discloses A computer-readable storage medium holding code which, when executed, performs the method according to any one of claims 7, 8, 9, 10, 11, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, and 48 [Pawar, see rejection of related claims above].

Claim Rejections - 35 USC § 103

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Swildens et al [Swildens, 6,754,699 B2] in view of Black [7,076,547 B1].

27. As per claim 1, Swildens discloses A system for actively managing configurable components, comprising:

a plurality of components, each component storing a configuration comprising a set of configuration parameters [Swildens, components and configuration files, col 25 lines 38-42];

a server configured to (a) register each of the plurality of components [Swildens, the user registers it site on the server, col 8 lines 54-67], (b) perform dynamic probing operations to identify configuration changes made to the configuration of each of the plurality of components [Swildens, dynamic probe, col 5 liens 53-67], and (c) validate identified configuration changes [Swildens, verification the operating correct, col 25 lines 54-60].

However Swildens does not explicitly detail

a repository that stores information about a configuration policy; and changes against the configuration policy to determine whether the configuration changes conform to the configuration policy.

In the same endeavor, Black taught a system and method for monitoring network performance by using one or more dynamic probes based on the configuration information or policies [Black, col 3 lines 42-64, col 6 lines 27-51, Fig 1 and 4]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the configuration information or policies as taught by Black into the Swildens' apparatus in order to utilize the dynamic probe.

Doing so would provide a real-time network monitor service.

28. As per claim 2, Swildens-Black disclose the configuration policy defines, for each configuration parameter of the configuration of each of the plurality of components, a value range for which the configuration parameter will be successfully validated by the

server as inherent feature of configuration policies.

29. As per claim 3, Swildens-Black disclose the server comprises a set of core services for responding to an identified configuration change, wherein the set of core services comprises at least one of: a first service for changing a value of at least one configuration parameter to a default or previously validated value; a second service for auditing the configuration parameters of the configuration of at least one of the plurality of components; a third service for generating an alert regarding the Configuration parameters of the configuration of at least one of the plurality of components; and a fourth service for acquiescing to the identified configuration change as inherent feature of each DNS name has a set of services associated with it [Swildens, col 30 lines 6-12].

30. As per claim 4, Swildens-Black disclose a log storing data that identifies an identified configuration change made to the configuration of the particular component [Swildens, log server, col 39 line 20].

31. As per claim 5, Swildens-Black disclose a configuration and validation module for performing impact analysis on the identified configuration changes against the plurality of components [Swildens, a log analysis server, col 29 lines 1-6].

32. As per claim 39 Swildens-Black disclose the information indicates a relationship dependency between a first configuration parameter in the configuration of a first

component and a second configuration parameter in the configuration of a different component [Swildens, different components, col 15 liens 46-56].

33. As per claim 41, Swildens-Black disclose the information includes at least one document type definition defining a mapping between the configuration of at least two of the plurality of individual components [Swildens, mapping configuration, col 5 lines 53-67].

34. As per claim 47, Swildens-Black disclose the relationship dependency comprises one of one-way, two-way, cyclic, one-to-many, many-to-one, and many-to-many as design choices.

35. Claims 7-11,42-46 and 48 contain the identical limitations set forth in claims 1-5,39-41 and 47. Thus, claims 7-11,42-46 and 48 are rejected for the same rationale set forth in claims 1-5,39-41 and 47.

36. As per claim 14, Swildens discloses A system, comprising:

a plurality of components, wherein each component, of the plurality of components, comprises a client module for accessing configuration parameters of a configuration of the component [Swildens, components and configuration files, col 25 lines 38-42];

a management server which maintains a repository for storing information about a configuration (policy) [Swildens, SPD server with configuration file, col 23 liens 1-33]; and

a management console capable of accessing the repository [Swildens, Global Traffic Management, col 11 lines 40], wherein the management console comprises:

at least one service interface for retrieving the configuration of a particular component, of the plurality of components, by communicating with the client module associated with the particular component [Swildens, transmits and receives configuration files, col 25 lines 38-42];

a parser for extracting configuration parameters from each retrieved configuration [Swildens, extract statistic information, col 39 lines 20-25]; and

a validator for validating each extracted configuration parameter against the configuration (policy) [Swildens, verification the operating correct, col 25 lines 54-60].

However Swildens does not explicitly detail configuration file as configuration policy;

In the same endeavor, Black taught a system and method for monitoring network performance by using one or more dynamic probes based on the configuration information or policies [Black, col 3 lines 42-64, col 6 lines 27-51, Fig 1 and 4]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the configuration information or policies as taught by Black into the Swildens' apparatus in order to utilize the dynamic probe.

Doing so would provides a real-time network monitor service.

37. As per claim 15, Swildens-Black disclose at least one adapter for accessing component-specific configuration parameters of the configuration of at least one of the plurality of components [Swildens, automatically installed when any other components is installed, col 25 lines 38-42].

38. As per claim 16, Swildens-Black disclose at least one component-specific adapter for dynamically probing the plurality of components [Swildens, automatically installed when any other components is installed, col 25 lines 38-42].

39. As per claim 17, Swildens-Black disclose a component parameter relationship dependency tree formed from the extracted configuration parameters; and
an impact analyzer for analyzing the effect of making a configuration change, to the configuration of a particular component, of the plurality of components, by traversing the component parameter relationship dependency tree [Black, analyzers, col 3 lines 42-64].

40. As per claim 18, Swildens-Black disclose a change manager for effecting a change to a configuration parameter [Swildens, Global traffic Manager, col 16 line 12].

41. As per claim 19, Swildens-Black disclose a set of one or more XML documents comprising the extracted configuration parameters as alternative choice of Java or OOP

[Black, XML as alternative choice of Java, OOP, col 4 line 25-30].

42. As per claim 20, Swildens-Black disclose the configuration policy is expressed in a set of global parameter definitions and document type definitions [Black, configuration policies, col 3 lines 42-63].

43. As per claim 21, Swildens-Black disclose validation services, wherein the validation services perform at least one of: managing the configuration parameters of the configuration of the plurality of components; advising an administrator about the configuration parameters of the configuration of the plurality of components; alerting an administrator about the configuration parameters of the configuration of the plurality of components; and acquiescing to the modification of the configuration parameters of the configuration of the plurality of components [Swildens, validate, col 23 line 38-col 24 line 8].

44. As per claim 22, Swildens-Black disclose a browsing service providing a user interface management console [Swildens, web browser, col 8 line 13].

45. As per claim 23, Swildens-Black disclose a management configuration module for registering new components [Swildens, new client, col 37 lines 16-30].

46. As per claim 24, Swildens-Black disclose a management configuration module capable of receiving XML documents, which describe the configuration parameters of the configuration of a particular component, when the configuration of the particular component is changed [Swildens, configuration files, col 25 lines 38-42].

47. As per claim 25, Swildens-Black disclose at least one of the plurality of components corresponds to at least one of a Web server, an internet application server, and a database server [Swildens, servers, Fig 9].

48. Claims 26-37 contain the identical limitations set forth in claims 14-25. Thus, claims 26-37 are rejected for the same rationale set forth in claims 14-25.

49. As per claim 49 Swildens-Black disclose A computer-readable storage medium holding code which, when executed, performs the method according to any one of Claims 7, 8, 9, 10, 11, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41,42, 43, 44, 45, 46, and 48 [see rejection above].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER